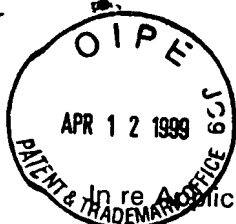


GAU 2873



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): DAVID YINKAI CHAO

SC/Serial No.: 08/847,711

Filed: April 28, 1997

Title: EYEGLOSS COMBINATION HAVING  
AUXILIARY FRAME

PATENT APPLICATION

#10CPA  
[Handwritten signature]

RECEIVED

APR 15 1999

TECHNOLOGY CENTER 2800

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: TB687081923US  
Date of Mailing: April 12, 1999

I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to Box CPA, Assistant Commissioner for Patents, Washington, DC 20231 and mailed on the above Date of Mailing with the above "Express Mail" mailing label number.

Matthew A. Mahling (Signature)  
Matthew A. Mahling  
Signature Date: April 12, 1999

CONTINUED PROSECUTION APPLICATION UNDER 37 C.F.R. §1.53(d)

Box CPA  
Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Applicant hereby requests the filing of a X continuation    divisional application of a prior complete application under the continued prosecution application procedure of 37 C.F.R. §1.53(d). Pursuant to 37 C.F.R. §1.53(d)(7), this paper also constitutes the "specific reference" required by 35 U.S.C. §120 to every application assigned the application number identified above.

04/14/1999 SLUANG1 00000026 08847711

01 FC:231 380.00 OP  
02 FC:202 78.00 OP

08847711  
061325  
00000001  
061325  
04/21/1999 KTDBIN  
01 FC:202  
39.00 CH

**Identification of Prior Complete Application**

SC/Serial No.: 08/847,711

Art Unit: 2873

Filed: April 28, 1997

Examiner: H. Dang

Title: EYEGLOSS COMBINATION HAVING AUXILIARY FRAME

Inventor(s): DAVID YINKAI CHAO

**New Title for This Application:** (same)

**Delete the Following Inventor(s) for This Application:** (none)

**Amendments**

\_\_\_\_\_ Please enter the unentered amendment under 37 C.F.R. §1.116 in the prior application before calculating the application filing fee (§1.53(d)(3)).

  X   A preliminary amendment is submitted herewith. Please enter the preliminary amendment before calculating the application filing fee (§1.53(d)(3)).

**Petition for Extension of Time to Respond**

  X   No extension of time is required.

\_\_\_\_\_ Pursuant to 37 C.F.R. §1.136(a), enclosed is a Petition for an Extension of Time, up to and including today, for responding to the Office action together with the fee set by 37 C.F.R. §1.17.

**Power of Attorney**

  X   A Power of Attorney appears in the prior application. However, a copy of the power of attorney previously submitted is resubmitted with this application. Please correct the records to note that the attorneys of record are:

Martin C. Fliesler, Esq.  
Peter P. Tong, Esq.  
Fliesler Dubb Meyer & Lovejoy, LLP  
Four Embarcadero Center, Suite 400  
San Francisco, CA 94111

\_\_\_\_\_ A new Power of Attorney is submitted herewith.

### Assignment

- ☒ The prior application is assigned of record to  
Contour Optik, Inc.
- ☐ An assignment of the invention to \_\_\_\_\_  
is submitted herewith.
- ☐ An Assignment Recordation Form Cover Sheet and a recording fee of  
\$40.00 are submitted herewith.

### Claim of Priority

- ☐ Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_, in \_\_\_\_\_  
is claimed under 35 U.S.C. §1.119.
- ☐ The certified copy was filed in prior application Serial No. \_\_\_\_\_, filed  
\_\_\_\_\_.

### Small Entity Statement

- ☐ Statement(s) claiming small entity status is (are) submitted herewith.
- ☒ Statement(s) claiming small entity status was (were) filed in this  
application on April 28, 1997, and its benefit under 37 C.F.R. §1.28(a)  
is hereby claimed.
- ☒ Please consider the enclosed Information Disclosure Statement.

The patent application filing fee is calculated as shown below:

No. Filed	No. Extra	Rate Small Entity/ Other Than Small Entity		
Basic Fee		\$380.00 \$760.00	=	\$380
Total Claims <u>15</u> ** - 20	= <u>0</u> * X	\$ 9.00 \$ 18.00	=	\$ 0
Independent Claims <u>5</u> ** - 3	= <u>2</u> * X	\$ 39.00 \$ 78.00	=	\$ 78
First Presentation of Multiple Dependent Claim(s) <u>0</u>		\$130.00 \$260.00	=	\$ 0
TOTAL PATENT APPLICATION FILING FEE:				\$458

- \* If the difference is less than zero, enter "0".  
 \*\* Count claims after any amendment (§1.53(d)(3)(iii)).

#### Method of Payment of Fees

The total fee associated with this communication is calculated as follows:

Patent application filing fee	\$458
Net fee for extension of time	\$0
Assignment recording fee	\$0
	= = = = =
TOTAL FEE DUE:	\$458

- X A check in the amount of the TOTAL FEE DUE is enclosed.
- X The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

**Correspondence Address**

Please address all correspondence as follows:

Martin C. Fliesler, Esq.  
FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156  
Telephone (415) 362-3800

Direct all telephone calls to the undersigned attorney at (415) 362-3800.

Respectfully submitted,

Date: April 12, 1999

By: Peter P. Tong  
Peter P. Tong  
Reg. No. 35,757

FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156  
(415) 362-3800